

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CIVIL ACTION NO. 1:15cv783 (WOB-SKB)

BRITTON R. ARMSTRONG

PETITIONER

VS.

JUDGMENT

WARDEN, LONDON  
CORRECTIONAL INSTITUTION

RESPONDENT

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. 11), and there being no objections filed, and the Court being sufficiently advised,

**IT IS ORDERED** that the Report and Recommendation (Doc. 11) be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that Respondent's motion to dismiss (Doc. 8) is **GRANTED**, and that Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DISMISSED** with prejudice on the ground that the petition is time-barred under 28 U.S.C. § 2244(d); that **no** certificate of appealability shall be issued with respect to the claims alleged herein; with respect to any application by petitioner to proceed *in forma pauperis*, the Court certifies pursuant to 28 U.S.C. Section 1915(a)(3) that any appeal would not be taken in "good

faith," and therefore **DENIES** petitioner's leave to appeal *in forma pauperis* upon a showing of financial necessity.

This 26th day of July, 2016.



**Signed By:**

**William O. Bertelsman** WOB

**United States District Judge**